

REMARKS

The non-final Office Action of June 16, 2010, has been carefully reviewed, and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 13 and 23 have been amended to place the claims in a more preferred form. Claims 24-32 have been added. No new matter has been added. Claims 1, 3, 6, 8, 13, and 21-32 remain pending.

Claims 1 and 13 stand objected to because of informalities. The informalities raised in claim 1 appear to be due to the underlining used to highlight the added language (the underlining causing a semicolon to look like a colon, and a comma to look like a period). The current listing of claim 1 no longer has the underlining in those areas, and it should be clear now that the colon and period are not actually there, rendering the objection moot. The informality raised in claim 13 is rendered moot by the present amendment to that claim.

Claims 13 and 23 stand rejected under 35 U.S.C. § 101 because the claimed invention allegedly is directed to non-statutory subject matter. Without acquiescing to the rejection and in order to expedite prosecution, Applicants have amended claims 13 and 23 thus rendering the present rejection moot.

Claims 1, 3, 6, 8, 13, and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,100,183 to Kunkel (hereinafter referred to as *Kunkel*) in view of U.S. Published Application 2005/0193410 to Eldering (hereinafter referred to as *Eldering*). Applicants respectfully traverse.

Applicants' claim 1 recites, among other features, "transmitting the interactive TV content via a second broadcast stream to the specific group of receivers, and that the interactive TV includes "tagged content, the tagged content being marked by a tag comprising first personalization data content." The Action admits that *Kunkel* fails to teach or suggest, "transmitting the interactive TV content via a second broadcast stream." (Action, p. 5). In support, the Action relies on various portions of *Eldering* including paragraphs [0030], [0037], and [0051]-[0052]. However, *Eldering* fails to cure the deficiencies of *Kunkel*.

Even assuming, without admitting, that *Kunkel* could be combined properly with *Eldering*, the addition of *Eldering* still would not cause the second broadcast transmission of the *Kunkel* tagged content. Instead, if anything, it would cause the second transmission of some

other completely different content. *Eldering* has no tagged content in any alleged second stream. The relied upon portions of *Eldering* at best describe transmission of specific content to specific receivers. For example, paragraph [0051] is relied upon for rejecting Applicants' feature, "upon determining the tagged content is targeted for the specific group of receivers, transmitting the interactive TV content via a second broadcast stream to the specific group of receivers." Paragraph [0051] of *Eldering* recites (emphasis added),

[0051] FIG. 5 illustrates an exemplary process of inserting target advertisements at a centralized point. FIG. 5 is particularly applicable in an Internet environment. As shown in FIG. 5, there exists a plurality of target advertisements 502 that may have been received from many different advertisement servers 504. At a centralized point 506, these target advertisements are inserted into one or more actual program streams 508 to form a plurality of presentation streams (PS1-PS3). Each presentation stream contains a different target advertisement. For exemplary purposes, it is shown that a sender 510 routes a first presentation stream (PS1) via one or more routers 512 to a first receiver, labeled Receiver 1. The second presentation stream (PS2) is being routed via another router to Receiver 2. The third presentation stream 3 (PS3) is routed via the use of yet another router to Receivers 3 and 4. Additional routers may be used to form different subgroups and for the transmission of the advertisements to these subgroups.

As described in paragraph [0051], *Eldering* describes the transmission of targeted advertisements by means of different streams (PS1)-(PS3), specifically targeted to different receivers. In the underlined portion, Receiver 1 receives a different content via first presentation stream (PS1) than was received at the centralized point. Applicants' claim 1 recites, "receiving interactive TV content via a first broadcast stream," and "transmitting the interactive TV content via a second broadcast stream." At best, *Eldering* describes receiving one type of content at a centralized point and transmitting something different to a receiver, such as PS1 to Receiver 1. As recited in Applicants' claim 1, the interactive TV content is received via a first broadcast stream and the same interactive TV content is transmitted via a second broadcast stream. *Kunkel* fails to teach or suggest the second transmission and *Eldering* describes receiving one thing and transmitting something else. As such, neither *Kunkel* nor *Eldering* teaches or suggests each and every feature of Applicants' claim 1 and withdrawal of the rejection is respectfully requested.

Still further, modifying the *Kunkel* system to exist within a router of *Eldering* would completely make *Kunkel* non-operational. *Kunkel* describes a system that filters at the end level, the set top converter box 16, and the box 16 does not transmit content any further downstream. *Kunkel* is not designed for operation outside of a set top converter box 16. The Action recites col. 3, l. 35 to col. 4, l. 24 and col. 6, ll. 4-8 of *Kunkel* for support for the determining and transmitting features of Applicants' claim 1. Yet, *Kunkel* describes the end device, the set top converter 16, for examining a transmission to determine whether a program or advertisement contains a match with the demographic information contained in the bit mask 30 of the set top box 16. (See, *Kunkel*, col. 4, ll. 33-39). The Abstract and Summary of *Kunkel* describes the two techniques for transmission and reception. For both techniques, the bit mask 30 of the set top box determines what advertisement to display. (See, Abstract and col. 1, l. 44-col. 2, l. 42). Simply, *Kunkel* solely operates at the set top converter 16 level at an end user for processing to determine the advertisement for display. By changing the operation of *Kunkel* to occur within a router of *Eldering*, *Kunkel* is no longer operational. The specific demographics of the end user are no longer taken into account. As such, for at least the above described reasons, withdrawal of the rejection over the combination of *Kunkel* and *Eldering* is respectfully requested.

Applicants' independent claims 6 and 13 include features similar to those described above with respect to claim 1. As such, for at least similar reasons as Applicants' claim 1, the combination of *Kunkel* and *Eldering* fails to teach or suggest each and every feature of Applicants' independent claims 6 and 13 and withdrawal of the present rejection is respectfully requested. Applicants' claims 3 and 21, 8 and 22, and 23 depend from claims 1, 6, and 13, respectively, and are allowable over the art of record for at least the same reasons as its base claim and for the additional features recited therein.

For example, Applicants' claim 21 recites, among other features, "selectively receiving second personalization data by at least one receiver of the specific group of receivers, via a third broadcast stream, the second personalization data including data to permit the at least one receiver to output the tagged content." In rejecting this feature, the Action relies on col. 3, ll. 14-28 and col. 3, l. 59-col. 4, l. 24 of *Kunkel* alleging that these portions describe "demographic information may be downloaded to the set-top box from the head-end." (Action, p. 6). Even

assuming, without admitting, that the relied upon portions describe that, “demographic information may be downloaded to the set-top box from the head-end,” there is no teaching or suggestion in *Kunkel* that the demographic information is downloaded from the headend 12 to the bit mask 30 of the set top box 16 via a third broadcast stream. As such, for at least this additional reason, the combination of *Kunkel* and *Eldering* fails to teach or suggest each and every feature of Applicants’ claim 21.

Applicants’ new claims 24-32 are fully supported by the original specification and figures. For example, support may at least be found in paragraph [0019]. New claims 24-32 are allowable over the current art of record and notice of the same is respectfully requested.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. If, however, for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,
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